



1 The execution of this Stipulation and [Proposed] Order is contingent upon the Court's  
2 acceptance of the defendant's forthcoming bid-rigging-only guilty plea pursuant to the new plea  
3 agreement. Following the Court's acceptance of the defendant's guilty plea, the United States and  
4 defendant stipulate to the dismissal of Count Two and Count Four of the Information and request that  
5 the Court hold as follows:

6 1. The defendant's guilty plea to Count One and Count Three, bid rigging in San Mateo and  
7 San Francisco County, in violation of 15 U.S.C. § 1, pursuant to the prior plea agreement is  
8 WITHDRAWN.

9 2. The defendant's guilty plea to Count Two and Count Four, conspiracy to commit mail  
10 fraud in San Mateo County and San Francisco County, in violation of 18 U.S.C. § 1349, pursuant to the  
11 prior plea agreement is WITHDRAWN and Count Two and Count Four are DISMISSED.

12 3. The prior plea agreement lodged with the Court on November 5, 2013 (Dkt. #11), is  
13 WITHDRAWN.

14 4. As a result of the withdrawal of defendant's guilty plea to Count Two and Count Four  
15 and the dismissal of Count Two and Count Four, the United States is hereby ordered to return to  
16 defendant the total amount of money he forfeited to the United States as a result of his prior guilty plea.  
17 Defendant made a lump sum payment of \$454,695.00 to the United States on December 26, 2013. The  
18 United States is ordered to return that amount to defendant forthwith.

19 IT IS SO STIPULATED.

20 DATED: October 11, 2017


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/s/  
GEORGE D. NIESPOLO  
Counsel for Daniel Rosenbledt

23 DATED: October 11, 2017

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/s/  
GABRIEL R. MARTINEZ  
U.S. Department of Justice  
Antitrust Division

1 IT IS SO ORDERED.

2  
3 DATED: October 16, 2017

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5 CHARLES R. BREYER  
6 United States Chief District Judge  
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